

Before the State of South Carolina
Department of Insurance

APR 22 2002

STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE
§§

In the matter of:

James N. Dunagan,

201 Pecan Drive

Greenwood, South Columbia 29556

SCDI File Number 2002 – 112473

**Consent Order
Revoking Insurance
Agent's License**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and James N. Dunagan, a licensed State of South Carolina resident insurance agent.


Dunagan hereby admits, and I find as fact, that, while licensed by the Department to do business as a resident insurance agent within the State of South Carolina, Dunagan was convicted by the South Carolina Circuit Court of General Sessions, Greenwood County, of "Uttering Fraudulent Checks," on March 3, 1999, June 14, 1999, May 26, 2000, and June 19, 2000. These actions are in violation of S.C. Code Ann. Sections 38-43-130 (Supp. 2001) and can ultimately lead to revocation of his license to transact the business of insurance as a resident insurance agent in South Carolina following a public hearing at the Administrative Law Judge Division.

Rather than proceeding toward a formal public hearing, the parties agreed to submit the entire matter to me, along with the specific recommendation, for my summary decision based solely on the record. That recommendation was that Dunagan would waive his right to a public hearing and would voluntarily surrender his license for revocation.

S.C. Code Ann. Section 38-43-130 (Supp. 2001) provides: "The director or his designee may revoke or suspend an agent's license after ten days' notice...when it appears that an agent has been convicted of a crime of moral turpitude..." The crime of uttering fraudulent checks involves moral turpitude. *In State v. Harrison*, 298 S.C. 333, 380 S.E.2d 818 (1989).

After a thorough review of the record, carefully considering the recommendation of the parties, and in accordance with my findings of fact, I now conclude, as a matter of law, that Dunagan has violated S.C. Code Ann. Section 38-43-130 (Supp. 2001) and that the license issued to him by this Department should be revoked.

By his signature upon this Consent Order Revoking Insurance Agent's License Dunagan acknowledges that he understands this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. Sections 30-4-10, *et seq.* (1991 and Supp. 1998).

 James N. Dunagan

Nothing contained in this administrative disciplinary order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained in this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained in this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. Section 38-3-110 (4) (Supp. 2001), of the Director of Insurance, exercised either directly or through the Department to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is therefore, ordered that James N. Dunagan shall, immediately, upon my date and signature upon this Consent Order Revoking Insurance Agent's License, surrender to the State of South Carolina Department of Insurance his insurance agent's license, issued to him through the State of South Carolina Department of Insurance.


It is further ordered that a copy of this consent order shall be transmitted to the National Association of Insurance Commissioners for distribution to its member states and to each insurer for which James N. Dunagan is currently licensed to transact business as a resident insurance agent within the State of South Carolina.

This consent order becomes effective as of the date of my signature below.



Ernst N. Csiszar
Director

April 23^d, 2002 at
Columbia, South Carolina

 James N. Dunagan

I CONSENT:

A handwritten signature in cursive script, appearing to read "James N. Dunagan".

James N. Dunagan
201 Pecan Drive
Greenwood, South Carolina 29556

Dated this 17 day of April 2002